

REMARKS

As correctly noted in the Office Action, claims 1-100 and not claims 1-99 are pending in the present application. In the Office Action, claims 1 and 21 were objected to because of typographical informalities. Also, claims 54-99 were objected to due to incorrect numbering that caused two claims to be numbered "54." The Office Action also rejected claims 1-15, 18, 20-30 and 93-100 under 35 U.S.C. §102(e) as being anticipated by Baker et al. (U.S. Patent No. 6,701,183). The Office Action also rejected claims 1 and 6-15 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of Baker et al. Similarly, the Office Action rejected claims 21 and 24-30 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12-19 of Baker et al. Finally, Applicant appreciates the Examiner's indication that claims 16, 17, 19, 31, 32, 34, 35, and 37 would be allowable if rewritten in independent form including the limitations of any intervening claims and that claims 38, 55, 72, and 87 and all claims dependant thereon are allowed, pending the correction of any informalities giving rise to the claim objections.

Claim Objections

The Office Action objected to claims 1, 21 and 55-100 for containing informalities. With respect to claims 1 and 21, Applicant has amended the claims to correct the typographical error that caused the claims to call for "leas" instead of "least." With respect to claims 55-100, which due to a typographical error were incorrectly numbered as 54-99, Applicant has amended the claims to be correctly numbered as claims 55-100. Additionally, claim 31 has been amended to correct a typographical error.

Claim Rejections Under §102(e)

Responsive to the rejection of claims 1-15, 18, 20-30 and 93-100 under 35 U.S.C. §102(e) as being anticipated by Baker et al., please find filed herewith, a Declaration under 37 C.F.R. 1.132 signed by the inventors stating that the invention called for in the above-listed claims, if disclosed by Baker et al., was Inventor Jack E. Lohman's own work. As addressed in MPEP §§ 715.01(c) and 2136.04, by submission of this Declaration, the rejection under §102(e) based on Baker et al. cannot be sustained.

Double Patenting Rejection

The Office Action also rejected claims 1, 6-15, 21, and 24-30 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over various claims of Baker et al. Accordingly, Applicant has amended claim 1 to incorporate the subject matter previously called for in claim 19 and has amended claim 21 to incorporate the subject matter previously called for in claim 35. Accordingly, claims 19 and 35 have been canceled. Since claims 19 and 35 were not rejected as being obvious in light of any of the claims of Baker et al., Applicant believes these amendments are sufficiently to overcome the obviousness-type double patenting rejection proffered in the Office Action.

Conclusion

Therefore, for at least the reasons addressed above, Applicant respectfully asserts that all objections and rejections presented in the Office Action have been overcome. Accordingly, the application is in condition for allowance and timely issuance of a Notice of Allowance is respectfully requested. As always, the Examiner is invited to contact the undersigned at the telephone number appearing below if such would advance the prosecution of this application. Applicant does not believe that any additional fees are necessary, however, please deduct any fee arising from this or any other communication from deposit account number 17-0055.

Respectfully submitted,

Jack E. Lohman, et al.

By: 

Jack M. Cook
Reg. No. 56,098
Attorney for Applicant
Quarles & Brady
411 E. Wisconsin Avenue
Milwaukee WI 53202-4497
(414) 277-5405